

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:08-CV-191-H

C. JOHNSON SHEFFIELD CPA, PC;)
C. JOHNSON SHEFFIELD AND)
WIFE, EMILY F. SHEFFIELD)
D/B/A PAPE ENTERPRISE,)

Plaintiffs,)

v.)

WEST AMERICAN INSURANCE)
COMPANY,)

Defendant.)

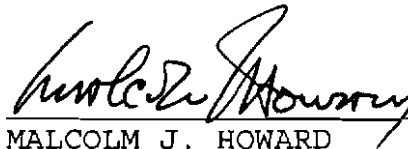
ORDER

This matter is before the court on defendant's motion to dismiss [DE #9]. Plaintiff opposed the motion [DE #13]. Magistrate Judge David W. Daniel filed a revised Memorandum and Recommendation ("M&R") on March 13, 2009, in which he noted that this court had granted plaintiffs leave to amend their complaint and that this appeared to moot defendant's motion to dismiss the original complaint. Accordingly, Judge Daniel recommended denying defendant's motion. No objections have been filed, and the time for doing so has expired. This matter is ripe for adjudication.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the

magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, DENIES defendant's motion to dismiss [DE #9] AS MOOT.

This 14th day of May 2009.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
#30